

**East Bellevue Community Council**  
Summary Minutes of Regular Meeting

May 4, 2004  
6:30 PM

Lake Hills Community Clubhouse  
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Eder, Keeffe, Seal, and Wiechmann

STAFF: Michael Paine, Environmental Issues Planning Manager

**1. CALL TO ORDER**

The meeting of the East Bellevue Community Council was called to order at 6:30 PM with Chair Bell presiding. Chair Bell led the flag salute.

**2. ROLL CALL**

Roll was called by the Deputy City Clerk. All Councilmembers were present.

**3. COMMUNICATIONS – WRITTEN AND ORAL None.**

**4. APPROVAL OF AGENDA**

Mr. Keeffe moved the approval of the May 4, 2004 regular meeting agenda. Mr. Seal seconded the motion.

Motion to approve the May 4, 2004 agenda as published carried with a vote of 5-0.

**5. CONTINUED COURTESY HEARING:**

(a) Kelsey Creek Center Rezone

Chair Bell noted Council's receipt of a Packet Supplement containing the staff report and recommendation.

Michael Paine, Department of Planning and Community Development, briefly reviewed the staff report and provided an overview of the rezone application. He provided background, stating the applicant requested the rezone in response to an enforcement action to desist the operation of a health club business use not allowed under the current Concomitant Agreement. The application is very specific about the allowable square footage, limiting the health club use area to 5,000 square feet.

Mr. Seal noted in the Packet Supplement, attachment G, the uses in the land use districts' chart does not show an asterisk next to the health club permitted use to denote the area limitation of 5,000 square feet. In response, Mr. Paine explained that attachment G is the Land Use Code's allowable use chart and that under Commercial Business health clubs are a permitted use.

In response to Chair Bell, Mr. Paine confirmed that minus the Concomitant Agreement this would be a permitted use in the CB district.

Mr. Paine explained that the City may return at some point with a broader rezone proposal for the Kelsey Creek Shopping Center.

Chair Bell asked if the conditional use process was used to permit Starbucks at the Kelsey Creek Center? Mr. Paine responded affirmatively. He explained the differences between conditional use permitting and the rezone process in terms of the Concomitant Agreement.

Continuing to respond, Mr. Paine explained the criteria used to determine the appropriateness of the intensity in regards to the Southeast Bellevue Subarea policy S-SE-7.

Chair Bell opened the continued courtesy public hearing.

Bart Goft, 421 155<sup>th</sup> Place SE, questioned the impacts of the times of operation in regards to traffic. He stated that currently 148<sup>th</sup> Avenue is a heavy traffic area, and questioned the traffic impacts of the proposed health club. In response, Chair Bell interjected that the Council had asked in April for the staff report to address that very issue. He stated that the Department of Transportation has determined that this application would result in a peak hour trip generation of 4.05 trips per 1,000 square feet. Chair Bell stated that given the available permitted use of retail space at the Kelsey Creek Shopping Center, the addition of 4.05 trips was not considered significant.

Continuing to respond, Mr. Paine stated that although Curves is a fairly fast growing company, each individual operation probably can not justify staying open 24 hours per day.

Seeing no one further wishing to speak, Mr. Keeffe moved to close the courtesy public hearing. Mr. Seal seconded the motion which carried unanimously.

Chair Bell stated that the Community Council has an opportunity to communicate to the Hearing Examiner any concerns or questions the Council might have. He reminded Council of the quasi judicial nature of this application. Chair Bell stated that the Council could send a memo to the Hearing Examiner that states during the courtesy hearing no concerns were noted.

Chair Bell next noted a communications from Kate Berens dated April 28<sup>th</sup> regarding the Community Council's courtesy hearing process. Ms. Berens suggests that, in future, rezones similar to the current Kelsey Creek Shopping Center application might require two meetings. One meeting at which a courtesy hearing is conducted early in the process and a second meeting to provide Community Council review of staff's analysis of applicable decision criteria. This second meeting would allow an opportunity for the Community Council to provide meaningful comments to the Hearing Examiner prior to his issuing his recommendation.

**6. RESOLUTIONS: None.**

7. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS:** None.

8. **DEPARTMENT REPORTS:** None.

9. **COMMITTEE REPORTS:** None.

10. **UNFINISHED BUSINESS:** None.

11. **NEW BUSINESS:** None.

12. **CONTINUED COMMUNICATION:**

Mr. Keeffe noted Utilities Director Lloyd Warren's retirement from the City of Bellevue effective May 20<sup>th</sup>. He stated that Mr. Warren's 30 year career with the City has been exemplary.

Mr. Eder stated the current East Bellevue Community Council's It's Your City article was well written.

Mr. Eder next reported that he had attended the Hearing Examiner's Michael's Toyota (Sunset Village) hearing. He stated the testimony given supported residents' interest in maintaining a grocery store in the area.

Mr. Eder commented on the series of emails from Brian Ward regarding a wetland/floodplain definitions. He stated that he felt that his proposed parking area for the Lake Hills Greenbelt Park is well above the wetland elevation. Mr. Eder expressed an interest in pursuing a parking area opposite the Lake Hills little league ball field. There was Council support for Mr. Eder to explore this matter further.

Mr. Eder reported that the planned Emergency Preparedness class had been cancelled, noting the general lack of interest on the part of the public.

Mr. Eder requested some kind of noise barrier at the Clubhouse's door to block traffic noises during their meetings. He explained that he has a hearing disability that makes it difficult to discern discussion from the background noise outside.

Mr. Goft suggested that the It's Your City publication would be a great vehicle to disseminate public service announcements such as the special home repair programs available for eligible homeowners.

Chair Bell stated that the Council was in receipt of several emails from Brian Ward regarding floodplains.

Mr. Eder reminded Council that the emails had been prompted by Council's request for clarification as to the difference between a floodplain and wetlands. He pointed out on the map an area next to the Clubhouse designated floodplain.

Mr. Keeffe suggested that the Council invite Mr. Ward to an upcoming meeting to field questions regarding East Bellevue area floodplains, its history and how the floodplain designation impacts property owners and insurance rates. There was Council consensus to ask for a presentation by Mr. Ward.

Chair Bell noted an agenda memo from the City Council packet dated April 26, 2004. He stated that the memorandum refers to Resolution 6981 approving the third Amendment to the Professional Service Agreement with Graham and Dunn for legal services regarding the appeals by Bennett, FAIR and the East Bellevue Community Council of the Traffic Standards Code neighborhood shopping center exemption ordinance. The new contracted amount has been increased to \$210,000. He suggested that if Council wished to follow the appeals process on this matter, they could do so online on the Supreme Court's website.

Chair Bell next reported on the Neighborhood Traffic Newsletter, noting reference to an upcoming neighborhood traffic survey in the East Bellevue area.

Mr. Eder stated he felt there was a bias on the part of the City favoring the Michael Toyota rezone. He stated that he believed that staff's interpretation of City policies is incorrect.

13. **EXECUTIVE SESSION** None.

14. **APPROVAL OF MINUTES**

(a) April 6, 2004 East Bellevue Community Council Summary Minutes

Mr. Keeffe moved approval of the April 6, 2004 East Bellevue Community Council Summary Minutes. Mr. Seal seconded the motion which carried with a vote of 5-0.

## **ADJOURNMENT**

Mr. Keeffe moved adjournment. Mr. Seal seconded the motion, which carried 5-0. The meeting of May 4, 2004 adjourned at 8:04 PM.

Submitted by:

Michelle Murphy, CMC  
Deputy City Clerk